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## Certificate of Mailing / Transmission (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

### MAILING



Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Box Petition**, Assistant Commissioner for Patents, Washington, D.C. 20231.

In the event a fee is required for the filing of the attached document(s) or in implementing the addition of new claims or any claim amendments, and the required fee is not submitted or the fee submitted is incorrect, the Commissioner is hereby authorized to charge any additional fees to effect the filing of this document(s) or credit any overpayment under 37 CFR 1.16 and 1.17 to Account No. 50-0983.



Transmitted by facsimile to the Patent & Trademark Office

Signature

Date

29 April 2003

Louis F. Wagner

(type or print name of person certifying)

29 April 2003

### IN THE UNITED STATES PATENT & TRADEMARK OFFICE

**Applicant:** Stevenson et al.

**Examiner:** Thexton, Matthew

**Serial #:** 10/086,619

**Art Unit:** 1714

**Filing Date:** 01 March 2002

**Date:** 29 April 2003

**Title:** Phosphite Ester Additive Compounds

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Box Petition  
Assistant Commissioner for Patents  
Washington, D.C. 20231

MAY 06 2003

OFFICE OF PETITIONS

### Petition for Correction of Filing Date of Provisional Application

#### Statement of Facts Involved

U.S. patent application Serial Number 10/086,619 claims priority from three provisional patent applications:

60/273,303 (filing date 3/2/2001);

60/314,181 (filing date 8/16/2001 incorrectly listed as 8/15/2001); and

60/315,746 (filing date 8/29/2001).

The Office correctly noted that the filing date of the middle provisional application was incorrect in the declaration which was signed by all inventors.

At the time of the filing of the instant application, the assignee of the patent application, Dover Chemical Corp., was in the process of transferring Intellectual Property work from one law firm to the law firm of the applicant. This law firm did not

05/05/2003 SLUANG1 00000015 10086619

06/06/2003 CKHLEK 00000019 500983

01 FC:1460

130.00 OP

01 FC:1454

1300.00 CH

have all of the files associated with this matter in its presence as of the filing date of the instant application.

***Point to be Reviewed***

Applicant petitions for entry of the following accompanying papers with respect to the priority claim in this case.

- (1) Declaration containing the priority claim with corrected filing date to provisional patent application 60/314,181.

The date associated with the provisional patent application should correctly be listed as August 16, 2001, but was incorrectly listed as August 15, 2001 on the declaration signed by the inventors. This was an inadvertent error, and was without deceptive intent, in that the return postcard was relied upon which showed an incorrect handwritten date. At the time of the filing of this patent application, a previous law firm was in the process of transferring the file and while the receipt date by the USPTO showed August 16, 2001, there was no way of verifying which date was correct.

It is respectfully submitted that this inadvertent error was with deceptive intent, and will not require the Office to perform any additional work in that the first filed provisional application was correctly identified as was a later filed provisional application. Additionally, the middle provisional application was correctly identified by serial number.

The Petition fee 37 C.F.R. §1.17(i) of \$130 is herein to be paid by the accompanying check.

***Action Requested***

Applicant petitions for entry of the attached declaration which correctly identifies the filing dates of all provisional patent applications. Applicant respectfully petitions for the issuance of a corrected filing receipt.

***Proposed Full Response***

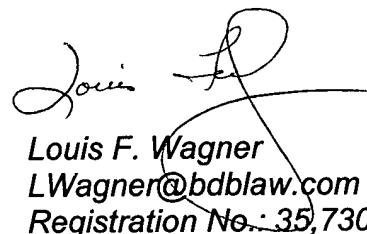
A full and complete response is being filed with the office action which issued on December 2, 2002, into which this petition is attached. Additionally, the attached declaration is hereby requested to be entered into the case.

***Deposit Account***

The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

The entry of the correct provisional patent application filing date for serial no. 60/314,181 is earnestly solicited.

Respectfully Submitted,  
Buckingham, Doolittle & Burroughs, LLP



Louis F. Wagner  
*LWagner@bdblaw.com*  
Registration No.: 35,730

Buckingham, Doolittle & Burroughs, LLP  
50 S. Main St.  
P.O. Box 1500  
Akron, Ohio 44309-1500  
(330) 258-6453 (telephone)  
(330) 252-5452 (fax)  
Attorney Docket #: 47399.0015



Attorney Docket No. 3898-7-PRU Initials TAD/TL Date 5-15-01  
Inventor/Applicant Name \_\_\_\_\_ Se. No. \_\_\_\_\_  
Title Phosphate Tether Additive Comp Filed 5-15-01

PATENT/DESIGN APPLICATION

29 pgs. Specification  
\_\_\_\_ pgs. Claims  
\_\_\_\_ Total \_\_\_\_\_ Independent  
\_\_\_\_ pgs. Abstract  
\_\_\_\_ Sheet(s) of Drawings  
\_\_\_\_ Formal \_\_\_\_\_ Informal  
\_\_\_\_ Declaration/Power of Attorney  
\_\_\_\_ Small Entity Status  
\_\_\_\_ Copy of Notice to File Missing Parts  
\_\_\_\_ PCT Request  
\_\_\_\_ Fee Calculation Sheet

FIRST CLAIMS mination

AMENDMENT (Due \_\_\_\_\_)  
Extension of Time For \_\_\_\_\_ Month(s)

INFORMATION DISCLOSURE STATEMENT  
PTO/SB/08A \_\_\_\_\_ Refs.

ASSIGNMENT \_\_\_\_\_ Recordation

CHECK(s) in Amount \$ 150.00

TRANSMITTAL  New Application

OTHER Return Mail



08-16-2001

U.S. Patent & TM Ofc/TM Mail Rpt Dt #78

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OFFICE OF PETITIONS

SEP 20 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
60/314,181	08/16/2001	150		5898-7-PRV			

John D. DeLong  
Twin Oaks Estate  
1225 West Market Street  
Akron, OH 44313-7188



CONFIRMATION NO. 7838✓  
FILING RECEIPT

  
\*OC000000006567536\*

Date Mailed: 09/18/2001

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Donald R. Stevenson, Dover, OH;  
Tom Jennings, Shaker Heights, OH;  
Mark Harr, New Philadelphia, OH;

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OFFICE OF PETITIONS

If Required, Foreign Filing License Granted 09/17/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

**Title**

Phosphite ester additive compositions

Data entry by : DONG, OANH

Team : OIPE

Date: 09/18/2001



O I P E  
MAY 05 2003  
SEARCHED

Attorney Docket No. 47399-0015

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PHOSPHITE ESTER ADDITIVE COMPOSITIONS**

the specification of which (check one)  is attached hereto.  
 was filed on March 1, 2002 as Application Serial No. 10/086,619  
 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any identified amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37, CFR §1.56(a).

I hereby claim foreign priority benefits under 35, USC §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

No. _____ Country _____ DY/MO/YR Filed _____ Priority claimed: <input type="checkbox"/> Yes <input type="checkbox"/> No	No. _____ Country _____ DY/MO/YR Filed _____ Priority claimed: <input type="checkbox"/> Yes <input type="checkbox"/> No	No. _____ Country _____ DY/MO/YR Filed _____ Priority claimed: <input type="checkbox"/> Yes <input type="checkbox"/> No	No. _____ Country _____ DY/MO/YR Filed _____ Priority claimed: <input type="checkbox"/> Yes <input type="checkbox"/> No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35, USC §112, I acknowledge the duty to disclose material information as defined in 37, CFR §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Ser. No. <u>60/273,303</u> DY/MO/YR Filed <u>02/03/01</u> Status: Pending	Ser. No. <u>60/314,181</u> DY/MO/YR Filed <u>16/08/01</u> Status: Pending	Ser. No. <u>60/315,746</u> DY/MO/YR Filed <u>29/08/01</u> Status: Pending	Ser. No. _____ DY/MO/YR Filed _____ Status: _____
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I hereby appoint the following attorney(s) and or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: Louis F. Wagner, Reg. No. 35,730 and David P. Dureska, Reg. No. 34,152.

Address all telephone calls to: Louis F. Wagner at telephone No. (330) 258-6453

Address all correspondence to: Customer No. 24115



PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under of 18, USC §1001 and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

FIRST OR SOLE INVENTOR	SECOND INVENTOR	THIRD INVENTOR
Name: <u>Donald R. Stevenson</u> Residence (City) <u>Dover</u> (State/Country) <u>Ohio, USA</u> P.O. Address: <u>301 Oakdale Drive</u> <u>Dover, Ohio 44622</u> Citizenship: <u>USA</u>  Signature: <u>Donald R. Stevenson</u> Date: <u>4-25-03</u>	Name: <u>Thomas C. Jennings</u> Residence (City) <u>Shaker Heights</u> (State/Country) <u>Ohio, USA</u> P.O. Address: <u>18200 South Park Boulevard</u> <u>Shaker Heights, Ohio 44120</u> Citizenship: <u>USA</u>  Signature: <u>Thomas C. Jennings</u> Date: <u>4/25/03</u>	Name: <u>Mark E. Harr</u> Residence (City) <u>New Philadelphia</u> (State/Country) <u>Ohio, USA</u> P.O. Address: <u>739 3rd St. NW</u> <u>New Philadelphia, Ohio 44663</u> Citizenship: <u>USA</u>  Signature: <u>Mark E. Harr</u> Date: <u>4-25-03</u>

FOURTH INVENTOR	FIFTH INVENTOR	SIXTH INVENTOR
Name: <u>Michael R. Jakupca</u> Residence (City) <u>Canton</u> (State/Country) <u>Ohio, USA</u> P.O. Address: <u>810 37th St., N.W.</u> <u>Canton, Ohio 44709</u> Citizenship: <u>USA</u>  Signature: <u>Michael R. Jakupca</u> Date: <u>4-25-03</u>	Name: _____ Residence (City) _____ (State/Country) _____ P.O. Address: _____  Citizenship: _____  Signature: _____ Date: _____	Name: _____ Residence (City) _____ (State/Country) _____ P.O. Address: _____  Citizenship: _____  Signature: _____ Date: _____

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MAY 06 2003



PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/086,619
Filing Date	01 March 2002
First Named Inventor	Stevenson, et al.
Art Unit	1714
Examiner Name	Thexton, Matthew
Attorney Docket Number	47399-0015

**ENCLOSURES**      *(Check all that apply)*

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Copy of return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Copy of Filing Receipt
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Return postcard
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual	Louis F. Wagner, Esq.
Signature	
Date	April 29, 2003

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: April 29, 2003

Typed or printed	Louis F. Wagner, Esq. 	Date	April 29, 2003
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO:**  
**Commissioner for Patents, Washington, DC 20231.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAY 05 2003  
PATENT & TRADEMARK OFFICE

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/086,619	SEARCHED
Filing Date	01 March 2002	MAY 06 2003
First Named Inventor	Stevenson, et al.	SEARCHED
Examiner Name	Thexton, Matthew	CLASS OF EXAMINERS
Art Unit	1714	
Attorney Docket No.	47399-0015	

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	50-0983
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		0.00	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	X	= 0.00
Independent Claims	- 3** =	X	= 0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

\*\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

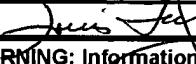
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

130.00

SUBMITTED BY				(Complete if applicable)	
Name (Print/Type)	Louis F. Wagner, Esq.	Registration No.	35,730	Telephone	330-258-6453
Signature				Date	April 29, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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